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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application	)	<u>PATENT APPLICATION</u>
	)	
Inventor(s): Patricia Franklin	)	
	)	Art Unit: 3715
SC/Serial No.: 10/697,602	)	
	)	Examiner: Aileen Chyn
Filed: October 29, 2003	)	
	)	
Title: INTEGRATED MULTI-TIERED SIMULATION, MENTORING AND COLLABORATION E-LEARNING PLATFORM AND ITS SOFTWARE	)	<u>Customer No. 28554</u>
	)	
	)	

### DECLARATION OF FRED BORCHERDT PURSUANT TO 37 C.F.R. §1.131

I, FRED BORCHERDT, declare that:

1. I understand that this Declaration will be filed in the United States Patent and Trademark Office in order to provide factual evidence showing that the invention claimed in the above-identified patent application was completed prior to the date of August 19, 2003.
  
2. The facts set forth hereinafter to establish that the claimed invention was completed prior to August 19, 2003 all relate to acts which occurred and were carried out within the United States.
  
3. For over a decade, I have worked at increasing efficiencies in game design and computer-based modeling. My past work has included: lead interface developer for Sega's online multi-player game, Quake 3 Arena; lead online designer for the NBA 2K1 Dreamcast site; and high polygon modeler for Electronic Arts' The Sims and the Mohammad Ali-based Knock Out Kings 2000.

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Received Time May. 23. 12:56PM

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4. Patricia Franklin and I met in January, 2002. I contacted her in response to a job ad placed on [www.gamasutra.com](http://www.gamasutra.com). I visited Ms. Franklin's home, where she began to fill me in on her online e-learning platform, referred to as LIFE™, and the gist of the script already undertaken by Ken Eklund. We agreed on my role as Creative & Technical Producer. At that time, I began working on the software for implementing the e-learning platform with others including Bruce Eng. I attended the auditions of actors for the nine characters held a few weeks later in SOMA, and I joined in the film shoot of Dear Lily, the prototype of the e-learning platform at another SOMA location. Once we had the visual assets, we began post production in April, 2002 and worked through the rest of the year, mostly from my residence in San Francisco.

5. In the software, a user would role play one of a character in a computer simulation. The role-played character would interact with others in the simulation and the role-played character would be presented with a conflict. The learner would then be presented with, for example, 4 or 5 on-screen options of how to deal with the conflict. The user would choose one of the options using, for example, a mouse or keyboard. Once the user's choice was made, the consequences of that selection were played on the screen for the user.

6. Ms. Franklin's idea that was incorporated into the software was to provide feedback, assistance and mentoring to a learner based on the choices he/she made in the simulation. Ms. Franklin's idea of how to do this was twofold. The first was through the concept of a MetaMentor.

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The second was through a virtual world which was full of useful resources the learner could avail themselves of. Ms. Franklin discussed both of these concepts with me prior to August of 2003.

7. Prior to August of 2003, we incorporated the concept of MetaMentors into the software for the e-learning platform. The MetaMentors were presented to the learner over the display when the learner needed assistance, or where his/her choice indicated that he/she needed advice. In the software platform that I helped write, the learner was presented with a multimedia clip (video or a series of still images) showing the MetaMentor and/or narrated by someone in the voice of the MetaMentor, and illustrating the experience the Meta Mentor shares with the learner.
8. Prior to August, 2003, the e-learning software platform that I helped write also provided feedback, assistance and mentoring to a learner based on the choices he/she made in the simulation through a simulated portal presented to the user on his or her computer display. When this simulated portal was selected by the learner, the software brought the user to a virtual world full of resources relating to the experience the learner had in the simulation. These resources were both synchronous and asynchronous resources.
9. The synchronous resources were other people with whom the learner could communicate in real time and who could provide advice and mentoring to the learner. This was implemented in the software platform several ways, including for example using instant messaging where two people could communicate with each other over an Internet connection. These other people were represented in the virtual world and displayed to the learner as, for example, avatars. The learner

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saw an avatar in the virtual world. By selecting that avatar, a real time communications link was established between the learner and the person whose avatar was selected. The learner could then converse with the selected person to learn more about how the learner could have handled the simulation better.

10. The asynchronous resources were a wide variety of stored informational sources that were represented with a graphical icon in the virtual world. For example, the virtual world I helped create in software included an icon which, when selected by the learner, brought the learner to an informational website where the learner could get information relating to his or her experience in the simulation. The asynchronous events were alternatively the stored experiences from others who dealt with issues similar to those presented to the learner in the simulation. These other people were, for example, others within the learner's company with valuable knowledge and experiences from which the user could learn.

11. The idea of using live, synchronous interaction and stored, asynchronous events to provide feedback, assistance and mentoring was a concept I discussed with Ms. Franklin before August 19, 2003. The software I helped author that implemented these concepts in the e-learning platform was also created before August 19, 2003.

12. Throughout our development of the multimedia learning platform, we worked diligently to reduce the invention to practice. This included the creation of several different versions and

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prototypes throughout the process which eventually culminated in the version of the platform described in the above-identified patent application.

13. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 5/23/2006

By: Fred Borcherdt  
Fred Borcherdt